

Minutes

Community Preservation Committee

DATE: Wednesday July 18, 2007
TIME: 7:00 PM
PLACE: City Council Chambers, 212 Main Street (BEHIND City Hall)

Members Present: Jack Hornor, Chris Kennedy, Donald Bianchi, George Kohout, Mason Maronn, John Andrulis, Tom Parent (Recreation Commission Member not yet confirmed by City Council)

Staff Present: Bruce Young

Thirteen members of the public attended the open meeting/workshop

Jack Horner opened the meeting at 7:05 PM.

Public Comment:

- Maryanna Kim- asked the CPC about the CPA dollar amount collected to date.
- Jack Hornor- explained the basics of the Community Preservation Act, directed members of the audience to the Community Preservation Coalition website and the recent article in the Daily Hampshire Gazette.
- Mark Carmien-stated that he would like to see an article in the Daily Hampshire Gazette explaining the Community Preservation Act in laymen's terms.
- Dave Herships- asked if proposed municipal projects would undergo the same application process as proposed private sector projects.
- Jack Hornor-stated that the CPC has not made any distinction between municipal project proposals and private sector project proposals.
- Dave Herships- asked if other municipalities have the same procedure for CPA funding appropriation-CPC to Mayor to City Council.
- Jack Hornor-explained that there are very few cities in the Commonwealth that have passed the CPA. Jack Hornor read a paragraph of a letter from the Department of Revenue stating it is the duty of the City Council to make appropriations for municipal projects and the Mayor must recommend those projects to City Council.
- Lilly Lombard -asked if the Mayor and City Council need to review private sector project proposals.
- Jack Hornor-explained that only the City Council can appropriate funding for CPA projects.
- Chris Kennedy-stated that he would look into the details of CPA appropriations for private sector project proposals.
- Bruce Hart-asked why recreation is included in the CPC evaluation criteria when it is not a required category for CPA fund allocation.

- Jack Hornor-explained that recreation is one of the four categories for appropriation of CPA funds.
- David Herships-asked if the Mayor and City Council have veto power over CPA projects.
- Jack Hornor-stated that the Mayor does not have to recommend a project to City Council and that City Council could decide not to appropriate CPA funds to a project recommended by the CPC.
- Kathy Silva- asked If CPC recommends a project to the Mayor and she decides not to recommend the project to City Council, what would happens to the CPA funds.
- Jack Hornor-explained that no funds are appropriated until the project is approved by City Council.

Chair's Report

- Jack Hornor gave a quick update on the progress of the CPC website.
- Jack Hornor informed the CPC that he and Bruce Young are working on creating CPC letterhead.
- Jack Hornor informed the CPC that the Daily Hampshire Gazette published a CPC op-ed piece written by Jack Hornor and Chris Kennedy.
- Jack Hornor informed the CPC that he requested that the Daily Hampshire Gazette reporters use the term “applying for CPA funds” instead of “planning on using CPA funds” in articles concerning potential CPA proposals.
- Jack Hornor stated that in August, the CPC would attempt to review the revised evaluation criteria, a CPC application, and a needs assessment report.

Discussion on Open Space Criteria

- Jack Hornor gave a brief overview of the CPA, CPC and commented on the evaluation criteria process.
- Mark Carmien-stated that it should be made clear where applicants can obtain access to plans that are referenced in the CPC evaluation criteria. He recommended links on the CPC website.
- Fran Volkman –stated that the evaluation criteria should be consistent with City plans.
- Fran Volkman-stated that the CPC should take out “preference will be given for projects that best address the following criteria” in all four CPC categories and a statement should be included in the introduction informing the applicant that not all criteria will be appropriate for all CPC projects.
- Jack Hornor-asked Fran Volkman if she would email a draft paragraph to the CPC.

- Dave Herships-stated that he believes the large number of criteria would lead to multi-page proposals and that the CPC should reduce the number of criteria and place a size limit on the application.
- Alex Risley-Schroeder- stated that the CPC should combine as many of the bullets as possible to reduce the number and then the CPC should decide whether or not to prioritize the bullets.
- Maryanna Kim- stated that some of the criteria might already be in Open Space and Recreation Plan.
- Bruce Hart-stated that he would like to remove the bullet that combines affordable housing and open space preservation.
- Don Bianchi-stated that projects that include more than one of the CPA funding categories are value added.
- Lilly Lombard-stated that she believes the CPC shouldn't link open space to housing because it could create sprawl. She used rural subdivision proposals that provide a percentage of the land as protected open space as an example.
- Alex Risley-Schroeder-stated that the CPC might want to include an opening paragraph, with an example, stating that a project may or may not be advantageous if it meets two CPA funding categories.
- Mark Carmien-stated that the criteria to preserve Northampton's rural or agricultural character are very subjective.
- Don Bianchi -stated that he believes the criteria to preserve Northampton's rural or agricultural character allows applicants to express creativity in their proposals.
- Fran Volkman- stated that the CPC should have flexibility and creativity in their criteria. She stated that if the criteria are too detailed and the applicants need to meet strict standards based on city plans, the CPC might only see proposals from the city.
- PJ Copeland-stated that she agrees that requiring too much information could cause the CPC to lose potential applicants.
- Mason Maronn-stated that he would like to see a glossary in the beginning of the evaluation criteria document.
- Maryanna Kim-stated that she would like to see less bullets and a more readable document.
- Alex Risley-Schroeder-stated that the CPC could group certain criteria such as flood control and water resources
- Bill Dwight-stated that the evaluation criteria should include a philosophy statement that the document is organic and will evolve as the CPC matures.

Discussion on Historic Preservation Criteria

- Chris Kennedy-explained that the Historic Preservation Plan was adopted in 1992 and it has not been updated.
- Don Bianchi-added that some new historic preservation information was included in the Sustainable Northampton Plan.
- Kathy Silva –stated that CPC should remove the three subheadings under the second bullet in the historic preservation criteria that states “Protect, preserve, enhance, restore

and/or rehabilitate properties, features or resources of historical significance; all other things being equal:

- City-owned parcels shall generally be given the highest priority
- Non-profit owned properties shall be given next highest priority
- Projects on major roads and on key gateways to downtown and to Florence shall be given the next highest priority might deter applicants other than the City. She would prefer not to prioritize city projects over non-profits and private sector projects.
- Alex Risley-Schroeder-stated that she also recommends removing the three bullets.
- Chris Kennedy-explained that because most of the historic buildings are owned by the city, by nature, most of the historic preservation proposals for structures will be proposals for city-owned structures.
- Mason Maronn-stated that he would like to remove the prioritization of the three bullets.
- Maryanna Kim-stated that she would remove the three bullets.
- Mark Carmien-stated that he sees providing funds for city property as a positive and city property should be the first priority.
- Fran Volkman-stated that she would like three bullets taken out because it ties the committee's hands.
- John Andrulis –stated that he would like to remove the three bullets.
- Don Bianchi-stated that the benefit to the public vs. the benefit to a private owner is a valuable component in the CPC's proposal review.
- Lilly Lombard-stated that private projects in the downtown areas would benefit the public.
- Fran Volkman-asked if historic preservation restrictions are required to be held by the city or could a non-profit hold the restriction.
- Jack Hornor –stated that the city and non-profits hold /enforce restrictions for affordable housing and asked Joanne Campbell for her expert opinion.
- Joanne Campbell-stated that there are a variety of ways for restrictions to be held and that non-profits can hold restrictions if they are qualified. She also stated that having several holders is the best way to protect a restriction.
- George Kohout-stated that the phrase “focus on threatened resources” might need to be better defined.

Discussion on Community Housing Criteria

- Joanne Campbell-stated that she would like to use the term community housing instead of affordable housing, but she believes it is necessary to explain the difference/relationship of the two terms in an introductory paragraph.
- Jack Hornor-stated that the CPC would like to include an introduction about all four CPA categories that references city plans, but what plans could be referenced for community housing.

- Joanne Campbell-stated that the Northampton housing partnership added new information to the Sustainable Northampton Plan.
- Maryanna Kim-stated that she also prefers the term community housing to affordable housing.
- Bill Dwight-stated that he would like to see the CPC clarify the language used in state statute in the introductory paragraph.
- Don Bianchi-stated that the state law spells out certain requirements and the introduction should spell out those requirements. He would like to see a section that states what state law requires next to what the Northampton criteria is asking for.
- Alex Risley-Schroeder-stated that she would like to see the criteria grouped together into categories. She used green building, affordable housing, social injustice, as examples. She also stated that in the criteria, the CPC should consider harmonious design and scale, walkability, LEED certification, etc.
- Don Bianchi-stated that it is unclear if the housing criteria is for project proposals or program proposals.
- Jack Hornor-stated that the criteria for community housing should begin with a list of allowed uses of CPA funds.
- Bruce Hart –stated that in order for projects to be counted under Chapter 40B, the proposal must meet certain criteria and it seems unfair to give priority to city employees and local citizens.
- Joanne Campbell-stated that preferencing is not recommended when applying for federal and state funding, but local municipalities can use local dollars for projects that give preference to municipal employees, etc. She stated that Amherst has a local live/work lottery for local employees.
- Don Bianchi-stated that he believes it could counteract fair housing goals if it created homogeneous communities, but a good case could be made for a project of this type in Northampton.
- Jack Hornor-used examples of police officers and restaurant workers in Northampton and stated that it would be in line with smart growth principles for employees to live close to where they work. Jack stated that he feels it is reasonable and is an important criterion for community housing.
- Bruce Hart-stated that he believes it is unfair and prejudicial and believes it promotes the view of an omnipotent “City.”
- Alex Risley-Schroeder-asked why the criterion was included to enhance nonprofit capacity for providing housing and related services.
- Don Bianchi-stated that the CPA legislation specifically says that CPA funds can provide support for community housing.
- Fran Volkman-stated that she believes leveraging other funds is an important criterion.
- Fran Volkman-stated that she would like to remove the word “racial” and would like to add the word “age.” Fran asked if racial a valid word.
- Kathy Silva- asked for an explanation of MGL chapter 40B.
- Jack Hornor-explained that communities in Massachusetts are attempting to meet a goal of 10% affordable housing, as defined by the state.

- Don Bianchi-explained how affordable housing is perceived as needed if less than 10% and a proposal under MGL 40B can receive zoning waivers and receive a special appeal process for projects that qualify.
- Bruce Hart-stated that he believes the entire CPA process has been designed by the “City” and the section that gives preference for city employees should be removed.
- George Kohout- stated that merit might be given to projects that protect affordable or moderate level apartment rentals from being converted into condos, which has had a large impact on rental housing.
- Fran Volkman-stated that she would like to change the statement provides mixed use development change to contribute to mixed use development.
- Joanne Campbell-stated that a 30-year restriction vs. 99-year restriction should depend on whether the applicant is proposing a restriction on ownership or rental-ship. Joanne stated that she would accept a 30-year restriction for home ownership and would prefer 99 years for rental.

Discussion on Recreation Criteria

- Bruce Hart-asked again why recreation is a category
- Jack Hornor-explained that the CPA allows the CPC to recommend funds for recreation but the CPC is not required to allocated funds for recreation.
- George Kohout-asked Bruce Hart if nervous about funds being used for recreation.
- Maryanna Kim- stated that she would like to see a statement saying recreation is not as important.
- Jack Hornor-stated again that recreation is one of the four categories that CPA funds can be used for.
- Bill Dwight-stated that he doesn’t see what problem is and if the statute states that recreation is one category that can be funded, why would it be less important.
- John Andrulic- stated that for purposes of evaluation the CPC reviews projects not based on 10% set aside but on the merits of the project proposals.
- Lilly Lombard-asked that CPC add criteria that the recreation project serves underserved populations, including populations of different ages. She stated the city lacks recreation opportunities for tots.
- Alex Risley-Schroeder- asked that CPC add criteria that the recreation project serves underserved populations, including populations of disabled people.
- Bruce Hart –asked for examples of the criterion to promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities.
- Bruce Hart asked what category bikepaths and sidewalks fall into and should we be more specific in identifying corridors
- Tom Parent-explained that bikepaths are typically located on old railway corridors
- George Kohout-stated that rivers could be corridors, called Blueways.

- Lilly Lombard- stated that she would like to leave the original language, which allows for creativity in corridor proposals.
- Chris Kennedy- stated that the criteria could be better explained by giving examples
- Joanne Campbell-asked about maintenance-asked if you could replace a playground instead of repair a playground.
- Mark Carmien-asked what the phrase, “benefits Conservation and Recreation initiatives with joint recreational activities” means.
- Tom Parent-explained the connection between recreation and conservation using the example of soccer fields in located in a protected floodplain.
- Joanne Campbell-asked if is it possible to designate higher levels than the 10% for each category
- Jack Hornor-explained that the CPC could request a transfer of funds into reserve account for any category, but it might tie the hands of the CPC when deciding on project proposals.
- Alex Risley-Schroeder-stated that the recreation section should include criteria to maximize the utility of land already owned by Northampton. She used City parks as an example.
- Bruce Hart-asked if the creation of a sidewalk would be fundable.
- Bill Dwight-stated that sidewalks qualify as bikeways except in urban areas of the City.
- Jack Hornor-stated that there are fewer criteria listed for recreation and asked Tom Parent if anything was left out.
- Tom Parent-stated that the Recreation Commission was satisfied with the original criteria.

Discussion on General Criteria

- Dave Herships-stated that there are 17 bullet points on open space, 17 on community housing, 8 on recreation and 8 on historic preservation. Dave asked if they should have an equal number of criteria?
- Dave Herships asked if the CPC could soften the language stating that projects will be chosen that best address the following criteria.
- Alex Risley-Schroeder- asked if the general criteria is the big picture criteria for every application.
- Jack Hornor –answered yes.
- Alex Risley-Schroeder- stated that she would remove the parenthesis of Addresses actions and objectives in *Sustainable Northampton* comprehensive plan (whether or not those actions and objectives are CPA eligible).
- Fran Volkman-stated that she would like to use the term “consistent with” instead of “addresses actions in the Sustainable Northampton Plan.”
- Jack Hornor-stated that if a project proponent proposes a project that is not in direct alignment with the criteria within one of the four CPA categories, the general criteria provides an opportunity for the proponent to show how the proposal meets goals identified in existing plans.

- Kathy Silva-stated that she does not like the phrase “receives endorsement by other boards and municipal departments.”
- Jack Hornor-explained that does not have to be approved by the boards, but endorsement by a majority of boards would show that a project most likely meets the goals of those boards.
- Maryanna Kim- stated that because it refers to maintenance, the CPC could remove the phrase under the first bullet “the rehabilitation and restoration of open space, land for recreational use, and community housing that is acquired or created using monies from the fund.”
- Fran Volkman-stated that not every project needs to be a joint project. Fran also requested that the CPC take out the phrase “preference will be given for projects that best address the following criteria”
- Don Bianchi-stated that he believes there should be clarification as to the use of the word preference.
- Lilly Lombard-stated that if project comes forward that does one thing very well but doesn’t include other categories they should not be punished for it.
- Jack Hornor-stated that the language sends a message to people to think about how their project could benefit the community by combining more than one of the categories.
- Mason Maronn-stated that he believes if applicants can’t provide a proposal that includes two categories, they might be dissuaded from applying based on the current language.
- Jack Hornor-stated that the CPC could include an introductory paragraph about the appeal of creative comprehensive project proposals.
- Bruce Hart-stated that specific areas of open space might only meet one criterion for a very specific purpose such as wildlife habitat.
- Bruce Hart-asked if the CPC would want endorsement from other groups-arcadia, BBC etc.
- PJ Copeland-stated that a Frequently Asked Questions (FAQ) section on website would be helpful.
- George Kohout-stated that receiving letters of support from other organizations is a good idea.
- Jack Hornor-stated that the phrase “Preserves, utilizes, or improves currently owned city assets City owned assets” may need to be removed.
- Mark Carmien-asked if a needs assessment is necessary for all applicants.
- Jack Hornor-stated that the statement “preference will be given for projects that best address the following criteria,” sets priorities for CPC to make informed decisions.
- Don Bianchi-stated that he sees it as relevant factor to analysis of project, but should not be the deciding factor.
- Maryanna Kim-asked how the CPC is going to decide on proposals and what does applicant use for drafting a proposal.
- Bill Dwight-stated that there needs to be clarity of language for an applicant applying and the CPC must be able to justify their decisions by referring to the evaluation criteria.

- Don Bianchi-stated that there can be value to the criteria without a ranking system or statement of preference.
- Jack Hornor-stated that if the CPC prefers one type of project to another, it should be clear to the applicant.
- George Kohout-stated that there should be no surprise to an applicant if a one project is selected over another project.
- Jack Hornor-stated that it is important to provide specific information on the CPC priorities to potential applicants.
- Jack Hornor-stated that he would like to get rid of the phrase “proponent demonstrates practicality, feasibility, and viability.”
- Bruce Hart-stated that the word “more” in bullet #1, which states, is eligible under **more** than one community preservation eligibility requirements, is the only bold word in the document and may not apply to open space projects.
- Bruce Hart- stated that he believes leveraging is appealing but might not be necessary.
- Chris Kennedy-stated that he believes leveraging is in the CPA.
- Jack Hornor-stated that leveraging is very important for future projects.
- Mark Carmien-stated that adding an introduction paragraph or two to the criteria would make the document more user friendly.
- Fran Volkman-stated that the CPC might consider rearranging the order of the criteria. She stated that the criteria should begin with information on the Northampton Sustainability Plan.
- Fran Volkman-stated that she would remove the eligibility for more than one category and there should be parallel structure throughout the document.

Meeting adjourned-10:15 PM